

## IN THE UNITED STATES COURT OF FEDERAL CLAIMS

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HEALTH REPUBLIC INSURANCE  
COMPANY,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

No. 16-cv-259C

Filed: June 11, 2021

**ORDER**

On May 17, 2021, the United States Court of Appeals for the Federal Circuit issued its opinion in *Conway v. United States*, No. 2020-1292, 2021 WL 1954841 (Fed. Cir. May 17, 2021). The Dispute Subclass subsequently filed a Notice of Additional Authority (ECF No. 125), arguing that the *Conway* decision resolves key disputes at issue in the Dispute Subclass's Motion to Dismiss the Government's counterclaim (ECF No. 103). In response, the Government notes that the *Conway* decision is not final, given that the period for filing a petition for rehearing *en banc* runs through July 1, 2021, and requests it be given 14 days until after the *Conway* decision becomes final to respond substantively to the Dispute Subclass's Notice. ECF No. 126 at 1. If, however, the Government files a petition and the Federal Circuit agrees to rehear *Conway en banc*, the Government proposes the parties submit a joint status report concerning the status of the rehearing. *Id.* at 2.

Having considered the parties' submissions, the Court **GRANTS** the Government's request. The Government shall file a response to the Dispute Subclass's Notice by no later than 14 days after the mandate issues in *Conway*. Alternatively, if the Federal Circuit grants a petition

for rehearing *en banc*, the parties shall file a joint status report within 14 days of the Circuit's order informing the Court of the status of the rehearing.

**SO ORDERED.**

Dated: June 11, 2021

/s/ Kathryn C. Davis

KATHRYN C. DAVIS

Judge